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| SERIAL NUMBER | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/077,106 06/16/93 CHAMBERS

J A6197

EXAMINER

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32M1/0127
SUGHRUE, MION, ZINN, MACPEAK & SEAS
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WASHINGTON, D.C. 20037

ART UNIT PAPER NUMBER

2

3206

DATE MAILED: 01/27/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 1-20 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. Claims _____ have been cancelled.
3. Claims _____ are allowed.
4. Claims 1-11, 13, and 18-20 are rejected.
5. Claims 12, 14, and 17 are objected to.
6. Claims _____ are subject to restriction or election requirement.
7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. Formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).
11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).
12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. Other

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Part III DETAILED ACTION

Drawings

1. The drawings are objected to because
 - a. Numeral "30" (figure 1) does not have a lead line.
 - b. Numeral "28" (figure 1) has 2 lead lines. Correction is required.

Specification

2. The disclosure is objected to because of the following informalities:

- a. "enfluent" (page 1, line 24) is misspelled. Appropriate correction is required.
 - b. "(a)s...60." (page 7, lines 29-33) is not consistent with figure 2 since figure 2 depicts that a seal assembly 62 is in each opening in the end housing and also a seal assembly 64 in one opening of the end housing.
 - c. Numeral "104" (page 9, line 11) is not seen in the drawings.
 - d. "(t)he bottom...spacer." (page 10, lines 16-18) is awkwardly worded.

3. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use

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the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide and adequate written description of the invention.

a. On page 8, lines 12-14, applicants state that a dynamic seal is placed between the spring 80 and the cylindrical portion 78. However, from figure 2, it appears that the spring 80 is located proximate to the cylindrical portion.

b. In claims 5, 8, and 15, applicants recite a labyrinth. Is this the same as the seal already mentioned in claims 1 and 11? If not, is there more than one seal?

c. In claims 10 and 20, how can a seal isolate the ends of a shaft from the seal?

Claim Rejections - 35 USC § 112

4. Claims 3, 5, 8, 10, 13, 15, and 20 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

5. Claims 1-10 and 15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. "each end assembly" (claims 5 and 15) lacks proper antecedent basis.

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b. "to provide...housing."(claim 1, last 2 lines) is not fully understood. The fluid is isolated between the end housing and what?

c. Is "an end housing"(claim 8, line 2) the same as the one in claim 1? If so, "an" should be --said--.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,11, and 18 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Potts.

8. Claims 1,6,9,11,16, and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Flament. Note, that the cover(14) functions as a port.

Allowable Subject Matter

9. Claims 12,14, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 2-5,7,8,13, and 15 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

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Conclusion

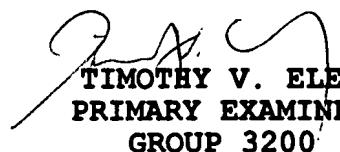
11. No art rejections have been applied to claims 10 and 20 since it is not readily apparent as to exactly what is being claimed.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Documents related to the instant application may be submitted to Group 3200 by facsimile transmission. Transmissions can be received from applicant(s) at all times. Documents should be faxed to Group 3200 Facsimile Center. The faxing of such documents must conform with the notice published in the Official Gazette, 1096 OG (October 19, 1988). Applicant is reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Group 3200 Facsimile Center number is (703) 305-3579.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V. Eley whose telephone number is (703) 308-1824.

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January 13, 1994


TIMOTHY V. ELEY
PRIMARY EXAMINER
GROUP 3200